



Entered on Docket
December 07, 2009

A handwritten signature in cursive script, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

WILDE & ASSOCIATES

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Wells Fargo Bank, N.A.
09-75397

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Robin J. Peerman

Debtor.

BK-09-22983-mkn

Date: 11/4/2009
Time: 1:30pm

Chapter 13

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is vacated and extinguished for all purposes as to Secured Creditor Wells Fargo Bank, N.A., its assignees and/or successors in interest, of the subject property, generally described as 352 Manti Place, Henderson, NV 89014, and legally described as follows:

PARCEL I (COMMON ELEMENTS):

ONE (I) ALLOCATED INTEREST (EXCEPT ASSOCIATION PROPERTY) AS TENANT IN COMMON ELEMENTS WITHIN PHASE "B" OF DESERT LINN CONDOMINIUMS, UNIT 4, AS SHOWN BY PLAT MAP RECORDED ON FEBRUARY 14, 1996 IN BOOK 72 OF PLATS, PAGE 17 AND BY CERTIFICATE OF AMENDMENT RECORDED JUNE 7, 1996 IN BOOK 960607 AS DOCUMENT NO. 00982 AND AUGUST 7, 1997 IN BOOK 970807 AS DOCUMENT NO. 01260 IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA. AS PHASES ARE ANNEXED, THE ALLOCATED INTEREST OF EACH UNIT WILL BE A FRACTION, THE NUMERATOR OF WHICH WILL BE ONE (1), AND THE DENOMINATOR OF WHICH WILL BE THE TOTAL OF ALL UNITS IN ALL PHASES THAT BECOME SUBJECT TO THE DECLARATION.

EXCEPTING THEREFROM THE FOLLOWING:

ALL LIVING UNITS AND ASSOCIATION PROPERTY IN PHASE "A" OF DESERT LINN CONDOMINIUMS UNIT 4.

AND RESERVING THEREFROM:

THE RIGHT TO POSSESSION OF ALL THOSE AREAS DESIGNATED AS LIMITED COMMON ELEMENTS AS SHOWN UPON THE PLAT REFERRED TO ABOVE;

AND FURTHER RESERVING THEREFROM FOR THE BENEFIT OF THE OWNERS OF CONDOMINIUMS IN SUBSEQUENT PHASES, NON-EXCLUSIVE EASEMENTS ON, OVER, AND ACROSS THE ASSOCIATION AREAS AS DEFINED AND SHOWN UPON THE PLAT REFERRED TO ABOVE FOR INGRESS, EGRESS AND RECREATIONAL USE, SUBJECT TO THE "DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS" RECORDED ON AUGUST 9, 1993 IN BOOK 930809, AS INSTRUMENT NO. 01000, AS BY FIRST AMENDMENT RECORDED ON NOVEMBER 16, 1993, IN BOOK 931116, AS INSTRUMENT NO. 01674, AND SECOND AMENDMENT RECORDED OCTOBER 24, 1994, IN BOOK 941024, AS INSTRUMENT NO. 01045, CLARK COUNTY, NEVADA RECORDS.

PARCEL II (THE LIVING UNIT):

1 LIVING UNIT TWO HUNDRED EIGHTY (280) IN BUILDING TWENTY (20), AS SHOWN
2 UPON THE CONDOMINIUM PLAT ON FILE IN BOOK 72 OF PLATS, PAGE 17, CLARK
3 COUNTY, NEVADA RECORDS.

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PARCEL III:

THE EXCLUSIVE RIGHT TO USE, POSSESSION, AND OCCUPANCY OF THOSE
PORTIONS OF THE LIMITED COMMON ELEMENTS DESCRIBED UPON THAT PLAT
AS PATIOS. AND ASSIGNED CARPORT NO. CP 280 (LIMITED COMMON ELEMENTS,
WHICH ARE APPURTENANT TO AND FOR THE EXCLUSIVE USE OF PARCEL II.

PARCEL IV (ASSOCIATION PROPERTY):

A NON-EXCLUSIVE EASEMENT ON AND OVER THE ASSOCIATION PROPERTY (AS
DEFINED IN THE DECLARATION) FOR ACCESS, USE, OCCUPANCY, ENJOYMENT,
INGRESS, EGRESS AND USE OF THE AMENITIES LOCATED HEREON, SUBJECT TO
THE TERMS AND PROVISIONS OF THE DECLARATION. THIS EASEMENT IS
APPURTENANT TO PARCELS I, II, AND III ABOVE DESCRIBED. THE ASSOCIATION
PROPERTY IS LIMITED TO USE BY OWNERS AND GUESTS OF THE UNITS AND IS
SUBJECT TO THE DECLARATION, RULES, AND REGULATIONS OF THE
ASSOCIATION.

PARCEL V (PHASED AREAS):

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, AND RECREATIONAL USE
ON AND OVER THE ASSOCIATION PROPERTY OF SUBSEQUENT PHASES, WHICH
EASEMENT IS APPURTENANT TO PARCELS I, II, AND III DESCRIBED ABOVE. THIS
EASEMENT SHALL BE EFFECTIVE ONLY UNTIL RECORDATION PRIOR TO
EXPIRATION OF RIGHT TO ANNEX OF THE DECLARATION OF ANNEXATION
DECLARING NON-ANNEXED PHASES TO BE SUBJECT TO THE DECLARATION

IT IS FURTHER ORDERED, ADJUDGED and DECREED that relief of stay is effective ten
(10) days after the date of entry of the order by the court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
Debtors at least five business days' notice of the time, place and date of sale.

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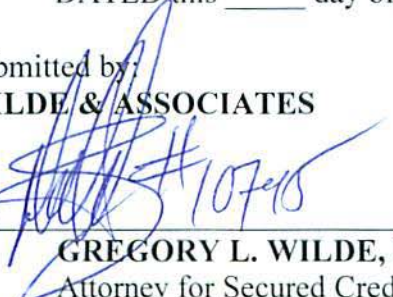
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby
2 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of
3 the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured
4 Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

5 DATED this _____ day of _____, 2009.

6 Submitted by:
7 **WILDE & ASSOCIATES**

8 By  #107415
9 **GREGORY L. WILDE, ESQ.**
10 Attorney for Secured Creditor
11 208 South Jones Boulevard
12 Las Vegas, Nevada 89107

13 APPROVED / DISAPPROVED

14 _____
15 pro se
16 Attorney for Debtor(s)

17 APPROVED / DISAPPROVED

18 _____
19 Rick A. Yarnall
20 701 Bridger Avenue #820
21 Las Vegas, NV 89101
22 Chapter 13 Trustee
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1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☒ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

23
24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor